

Town Board Minutes

Meeting No. 19

Regular Meeting

June 3, 2002

Town Board Minutes

June 3, 2002

Meeting No. 19

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 3rd day of June 2002 at 8:00 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
RICHARD ZARBO, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
MARY ANN PERRELLO, DEPUTY TOWN CLERK

PERSONS ADDRESSING TOWN BOARD:

Chowanec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matter:

- Questions about the site plan of Wal Mart regarding a continuous fence.
- Comments about the number of signatures on petitions supporting Wal Mart.

Juszczak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matter:

- Comments about seeing Police Chief in Tops on Martin Luther King Day. Wants to know if car parked illegally in handicap lot was tagged.

Korcz, Richard, 4946 William Street, spoke to the Town Board on the following matter:

- Comments regarding trees which have been removed from the Town due to development.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:

- Asked about Public Hearing on Lancaster Water District.
- Inquired about P.I.P.'s for Valley Overlook Subdivision.
- Questions about DOT roadway related to Kunvarji Hotel on Transit Road.

Rago, Art, 37 Hemlock lane, spoke to the Town Board on the following matter:

- Questions regarding property next to Aurora Garage on Aurora Street which is in disrepair. Building Inspector said owner has been cited for violations.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- Comments regarding appeals of his FOIL requests.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:31 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle & Traffic Ordinance in regards to stop & yield intersections in Walnut Creek Subdivision and The Meadows Subdivision.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Darryl Kaminsky	16 Fieldstone Lane	Questions

ON MOTION BY COUNCIL MEMBER STEMPIAK, AND SECONDED BY COUNCIL MEMBER ZARBO, FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:33 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

June 3, 2002

PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:

At 8:40 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law of the Year 2002 entitled "Building Permit Fees For Nonresidential Construction".

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
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None

ON MOTION BY COUNCIL MEMBER ZARBO, AND SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:41 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

June 3, 2002

PUBLIC HEARING SCHEDULED FOR 9:00 P.M.:

At 9:02 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed increase and improvement of facilities of the Lancaster Water District.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Donald Symer	610 Columbia Avenue	Conditional Proponent
Lee Chowanick	93 Northwood Drive	Proponent
Gloria Kubicki	15 Maple Drive	Questions & Comments
Roy Schneggenburger	87 Stony Road	Proponent

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER STEMPNIAK, FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:20 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

June 3, 2002

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board held
on May 20, 2002 be and are hereby approved

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK TO WIT:

WHEREAS, a Public Hearing was held on the 3rd day of June, 2002 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster; and persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and posted:

NOW, THEREFORE, BE IT
RESOLVED, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on June 3, 2002;
2. That a Certified Copy thereof be published in the Lancaster Bee on June 6, 2002;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: rvtordchpt46thomasdriveenchantedforestnorth602

LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION
STOPS; YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding
thereto the following:**

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
	<u>Walnut Creek Subdivision</u>	
Thomas Drive	Enchanted Forest North	N.W. Corner
	<u>The Meadows Subdivision</u>	
Thomas Drive	Fieldstone Lane	S.E. Corner

June 3, 2002

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

THIS IS TO CERTIFY that I, JOHANNA M. COLEMAN, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 3rd day of June, 2002, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 3rd day of June, 2002.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster has requested the purchase of One (1) New and Unused Trailer Mounted Self-Contained Vacuum Leaf Loader for the use of the Highway Department, and

WHEREAS, the Highway Committee of the Town Board recommends that such purchase be authorized;

**NOW THEREFORE, BE IT
RESOLVED**, as follows:

7. That Bids be received by the Town Clerk on June 21, 2002 at 10:00 o'clock A.M. Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of purchasing One (1) New and Unused Trailer Mounted Self-Contained Vacuum Leaf Loader for the use of the Highway Department in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

LEGAL NOTICE

**TOWN OF LANCASTER
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, that sealed bids will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, in the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 o'clock A.M., Local Time, on the 21st day of June, 2002, for the purpose of providing One (1) New and Unused Trailer Mounted Self-Contained Vacuum Leaf Loader to the Town of Lancaster for the use of the Highway Department, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A Certified Check or Bid Bond in an amount representing five percentum (5%) of the Total Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: JOHANNA M. COLEMAN
Town Clerk

June 3, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ZARBO, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster has requested the purchase of One (1) New and Unused Complete Dump Body and Snow Plow Equipment for the use of the Highway Department, and

WHEREAS, the Highway Committee of the Town Board recommends that such purchase be authorized;

**NOW THEREFORE, BE IT
RESOLVED**, as follows:

1. That Bids be received by the Town Clerk on June 21, 2002 at 10:00 o'clock A.M. Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of purchasing One (1) New and Unused Complete Dump Body and Snowplow Equipment for the use of the Highway Department in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: rhighwaydumpbodysnowplow602

LEGAL NOTICE

**TOWN OF LANCASTER
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, that sealed bids will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, in the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 o'clock A.M., Local Time, on the 21st day of June, 2002, for the purpose of providing One (1) New and Unused Complete Dump Body and Snowplow Equipment to the Town of Lancaster for the use of the Highway Department, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A Certified Check or Bid Bond in an amount representing five percentum (5%) of the Total Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: JOHANNA M. COLEMAN
Town Clerk

June 3, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ZARBO, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, proposed Local Law No. 2 of the Year 2002 deleting and repealing §30-4, of Chapter 30, Article I of the Code of the Town of Lancaster, entitled "Building Permit Fees For Nonresidential Construction", was introduced to the Town Board of the Town of Lancaster on May 20, 2002, and

WHEREAS, a public hearing was duly called and held pursuant to law on June 3, 2002:

NOW, THEREFORE, BE IT

ENACTED by the Town Board of the Town of Lancaster, Local Law No. 2 of the Year 2002, deleting and repealing §30-4 of Chapter 30, Article I of the Code of the Town of Lancaster entitled "Building Permit Fees For Nonresidential Construction" and enacting a new §30-4 of Chapter 30, Article I of the Code of the Town of Lancaster as follows:

PERMIT AND APPLICATION FEES

CHAPTER 30

**ARTICLE I
GENERAL FEES
SECTION 30-4**

**BUILDING PERMIT FEES FOR NONRESIDENTIAL CONSTRUCTION
LOCAL LAW NO. 2
OF THE YEAR 2002**

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING AND REPEALING, IN ITS ENTIRETY, SECTION 30-4 OF CHAPTER 30, ARTICLE I OF THE CODE OF THE TOWN OF LANCASTER ENTITLED "BUILDING PERMIT FEES FOR NONRESIDENTIAL CONSTRUCTION" AND ENACTING IN PLACE THEREOF A NEW SECTION 30-4 OF CHAPTER 30, ARTICLE I OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED by the Town Board of the Town of Lancaster, as follows:

(1) DELETING AND REPEALING IN ITS ENTIRETY §30-4 OF CHAPTER 30, ARTICLE I OF THE CODE AND ENACTING IN PLACE THEREOF A NEW §30-4.

SECTION 1. That §30-4 of Chapter 30, Article I of the Code be and is hereby deleted and repealed.

SECTION 2. That a new §30-4 of Chapter 30, Article I of the Code be and is hereby enacted as follows:

§30-4. Building permit fees for nonresidential construction.

- A.** New commercial construction: forty cents (\$0.40) per square foot.
- 2.** Renovation of existing commercial: twenty-five (\$0.25) cents per square foot.
- C.**
 - 1)** Communication Towers - a fee of two thousand dollars (\$2,000.) for a tower up to 150 feet and for height exceeding 150 feet an additional cost of forty dollars (\$40.) per foot so exceeding 150 feet.
 - 2.** Additions to communication towers or communication antennas for commercial use added to an existing building or structure a fee of two thousand dollars (\$2,000.).
 - 3.** Co-location of communication arrays or antennae on an existing tower or structure a fee of \$1,000. except on those towers situated on Town owned property from which the Town derives a co-location fee.
 - (4)** This Local Law shall become effective upon filing with the Office of the Secretary of State.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

- 1.** Immediately post a copy of Local Law No. 2 of the Year 2002 on the Town Bulletin Board;

2. Within ten (10) days, publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication;

3. Maintain a file in the Town Clerk's Office on Local Law No. 2 of the Year 2002, with all proofs of publication and posting required for adoption; and

4. File certified copies of Local Law No. 2 of the Year 2002 within ten (10) days of adoption with:

- a) Town Clerk's office
- b) One (1) copy with the office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 2 OF YEAR 2002
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on June 3, 2002 Local Law No. 2 of the Year 2002, deleting and repealing §30-4 of Chapter 30, Article I of the Code of the Town of Lancaster and enacting a new §30-4 of Chapter 30, Article I of the Code of the Town of Lancaster, briefly described as follows:

"A Local Law which deletes and repeals §30-4 of Chapter 30, Article I entitled "Building Permit Fees For Nonresidential Construction" of the Code of the Town of Lancaster, and enacts in place thereof a new §30-4 of Chapter 30, Article I of the Code of the Town of Lancaster.

"This Local Law will provide for an increase in the fees charged by the Town for the construction of or addition to communication towers."

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

June 3, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement within Trentwood Trail Subdivision, Phase III, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

WHEREAS, the Town Attorney by letter to the Town Clerk dated May 29, 2002 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Trentwood Trail Subdivision, Phase III, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 555 - Street Lights

and,

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: RPIP (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement within Summerfield Farms Subdivision, Phase II, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

WHEREAS, the Town Attorney by letter to the Town Clerk dated May 29, 2002 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Summerfield Farms Subdivision, Phase II, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 556 - Street Lights

and,

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: R1P (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by letter dated May 13, 2002 has requested the addition of two (2) Probationary Active Members to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the following additions to the membership of the Bowmansville Volunteer Fire Association:

ADDITION - Probationary Active Members:

Shelley Matthews
103 Eric Street #9
Lancaster, New York 14086

Derrick JenTsch
114 Ransom Road
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: RFIRE (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

WHEREAS, G&S Development, LLC, P.O. Box 250, Springbrook, New York,
has applied to the Town Board of the Town of Lancaster for a permit to construct a Public
Improvement upon real property in the Town of Lancaster within Fox Trace Subdivision.

WHEREAS, the Town Engineer of the Town of Lancaster has certified
on the following permit application that he has reviewed the improvement plans and permit
application for the installation of the public improvement requested, and that it conforms to the
Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 557 of G&S
Development, P.O. Box 250, Springbrook, New York, for the installation of:

P.I.P. No. 557
(Street Lights)

All wire conduits, poles, lumps, lampholders,
photocells, and other appurtenances required in the
installation of six (6) street lights at Fox Trace
Subdivision

be and is hereby approved and the installation of the improvement requested be and is hereby
authorized.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: RPIP (P3)

File: RPIP (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the General Crew Chief, by letter dated May 29, 2002, has requested the appointment of seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the summer of 2002, and

WHEREAS, these appointments are necessary due to previously appointed employees declining the positions.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to the position of seasonal employees for the summer of 2002 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rate:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Jacob Basher (new hire) 120 Cemetery Road, Lancaster	Laburer	\$6.00 hr.
Christopher Terranova (new hire) 560 Lake Avenue, Lancaster	Laborer	\$6.00 hr.
Kara Hejmowski (new hire) 17 Briarwood Drive, Lancaster	Recreation Attendant (Playground Attendant)	\$6.00 hr.
Marikate Ellis (new hire) 14 Pheasant Run Lane, Lancaster	Lifeguard (Substitute)	\$6.50 hr.
Jeffrey McDonald (new hire) 58 Rehm Road, Lancaster	Laborer	\$6.00 hr.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: Rpers.seasonal (P4-7))

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, James Biddel, 970 Bullis Road, Elma, New York, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Valley Overlook Subdivision, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 558, 559 and 560 of James Biddel, 970 Bullis Road, Elma, New York, for the installation of:

P.I.P. No. 558
(Pavement & Curbs)

Construct 5,870 SY of pavement (8" stone, 4" Type 1 Base, 2" Type 3 Binder, 1" Type 7 Top) and 3,455 LF of upright curbing (N.Y.S.D.O.T. Type B-B) in Valley Overlook Subdivision, Town of Lancaster (complete development).

P.I.P. No. 559
(Storm Sewer)

Construct 400 LF of 15" SICPP, 1,380 LF of 12" SICPP, 120 LF of 10" SICPP, 10 each manholes, 12 each street receivers and 2 each backyard receivers in Valley Overlook Subdivision, Town of Lancaster (complete development).

P.I.P. No. 560
(Water Line)

Construct 1,670 LF of 8" P.V.C. waterline, 80 LF of 8" D.I.P. waterline, 3 gate valves and 3 hydrants in Valley Overlook Subdivision, Town of Lancaster (complete development).

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: RPII' (F2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Donald Gallo, P.C. 589 Delaware Avenue, Buffalo, New York 14202,
Consulting Engineer for the Town of Lancaster Senior Center building addition and Youth Bureau building
renovation, submitted Change Order No. 1 in the amount of \$5,518.77 for the Senior Center building
addition and \$276.00 for the Youth Bureau building renovation to the Town Board for their approval.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change
Order No. 1 to Warrens Electric, with respect to the Town of Lancaster Senior Center building addition and
Youth Bureau building renovation according to the following description of a change to the contract:

DESCRIPTION OF CHANGE ORDER FOR SENIOR CENTER:

1. Install power for electric folding door.
2. Light/switch/outlet -kitch. store
3. Time clock for outdoor pole lights.
4. Delete light fixtures pool room.
5. Add outlets in relocated store room.
6. Separate switch 1- row dining room lights.
7. Install telephone/fax in Meal on Wheels.
8. Re-locate speaker wire.
9. Relocate CCTV outlet to main dining room.
10. Fire alarm wiring.
11. Outlet for water cooler.

CHANGE ORDER NO. 1:

The original Contract sum was \$30,295.00
Net change by previously authorized Change Orders00
The Contract Sum prior to this Change Order was \$30,295.00
The Contract Sum will be increased by this Change Order in
the amount of \$5,518.77
The new Contract Sum increased including this Change Order
will be \$35,813.77

DESCRIPTION OF CHANGE ORDER FOR YOUTH BUREAU:

1. Extra Ceiling speaker.

CHANGE ORDER NO. 1:

The original Contract sum was \$5,411.00
Net change by previously authorized Change Orders00
The Contract Sum prior to this Change Order was \$5,411.00
The Contract Sum will be increased by this Change Order in
the amount of \$276.00
The new Contract Sum increased including this Change Order
will be \$5,687.00

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: RCHANGE ORD (P6-7)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Donald Gallo, P.C. 589 Delaware Avenue, Buffalo, New York 14202,
Consulting Engineer for the Town of Lancaster Senior Center building addition submitted Change Order
No. 1 in the amount of \$976.66 to the Town Board for their approval.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change
Order No. 1 to WC Roberson Plumbing & Construction Corporation with respect to the Town of Lancaster
Senior Center building addition according to the following description of a change to the contract:

DESCRIPTION OF CHANGE ORDER FOR SENIOR CENTER:

1. Revise heating per floor plan change.
2. Add extra diffusers - main room.

CHANGE ORDER NO. 1:

The original Contract sum was	\$32,270.	3	4
Net change by previously authorized Change Orders00		
The Contract Sum prior to this Change Order was	\$32,270.34		
The Contract Sum will be increased by this Change Order in the amount of	\$976.66		
The new Contract Sum increased including this Change Order will be	\$33,247.00		

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order
on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: RCHANGE ORD (P10)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Donald Gallo, P.C. 589 Delaware Avenue, Buffalo, New York 14202,
Consulting Engineer for the Town of Lancaster Senior Center building addition submitted Change Order
No. 2 in the amount of \$11,254.80 to the Town Board for their approval.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change
Order No. 2 to New Era Construction, Inc. with respect to the Town of Lancaster Senior Center building
addition according to the following description of a change to the contract:

DESCRIPTION OF CHANGE ORDER FOR SENIOR CENTER:

1. Delete pier/column related work.
2. Replace damaged window.
3. Additional wood framing.
4. Additional wood framing.
5. Install drip edge over west windows.
6. Bollards at garage/paving adjustments.
7. Window in meals on wheels door.
8. Door @ kitchen store room.
9. Remove berm/revise site grading.
10. Revise interior store room wall.

CHANGE ORDER NO. 2:

The original Contract sum was \$350,000.00
Net change by previously authorized Change Orders 60,493.00
The Contract Sum prior to this Change Order was \$410,493.00
The Contract Sum will be increased by this Change Order in
the amount of \$11,254.80
The new Contract Sum increased including this Change Order
will be \$421,747.80

and.

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order
on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File:RCHANGE.ORD (P8)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Donald Gallo, P.C. 589 Delaware Avenue, Buffalo, New York 14202,
Consulting Engineer for the Town of Lancaster Senior Center building addition submitted Change Order
No. 2 in the amount of \$1,392.50 to the Town Board for their approval.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change
Order No. 2 to MKS Plumbing Corporation with respect to the Town of Lancaster Senior Center building
addition according to the following description of a change to the contract:

DESCRIPTION OF CHANGE ORDER FOR SENIOR CENTER:

1. Adjust sprinkler for rev. floor plan.
2. Add sprinkler heads in main room.
3. Cold water for water cooler.

CHANGE ORDER NO. 2:

The original Contract sum was \$41,594.00
Net change by previously authorized Change Orders 1,696.60
The Contract Sum prior to this Change Order was \$43,290.60
The Contract Sum will be increased by this Change Order in
the amount of \$1392.50
The new Contract Sum increased including this Change Order
will be \$44,683.10

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order
on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: RCHANGE.ORD (P9)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster accept the completed Public Improvement within Bowen Road Square Subdivision, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated May 30, 2002 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of this public improvement.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvement within Bowen Road Square Subdivision, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 360 - Detention Pond

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: RPIP (P5)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster accept the completed Public Improvement within Belmont Creek Subdivision, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated May 30, 2002 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of this public improvement.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvement within Belmont Creek Subdivision, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 365 - Detention Pond

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: RPIP (P27)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster accept the completed Public Improvement within Woodgate Subdivision, Phase I, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated May 30, 2002 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of this public improvement.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvement within Woodgate Subdivision, Phase I, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 291 - Detention Pond

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: RPIP (P28)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Charles Roberts, 13692 Broadway, Alden, New York, has applied for a Dumping Permit for property situated at 6143 Broadway, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that Charles Roberts, 13692 Broadway, Alden, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at 6143 Broadway, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and,

BE IT FURTHER

RESOLVED, that this permit is conditioned in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of hard clay, stones, broken concrete or asphalt. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. The applicant should be aware that if he intends to build on any filled area, the foundation shall be extended to original soil.
3. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
4. Dirt tracked on the road must be cleaned on a daily basis and more frequently if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road. Driveway for hauling fill shall be stoned with #3 or #4 stone for 50' from the edge of Broadway.
5. Fill area shall be topsoiled and seeded.
6. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday through Saturday. No dumping shall be allowed on Sunday.
7. Dust from the site shall also be prevented from migrating off site.

8. Storm runoff shall be directed to the rear of the property and the roadside ditch. Appropriate swales shall be established along the side property lines.
9. Height of fill shall be no higher than 18" above the grade at the centerline of Broadway.
10. The source of the fill material has been identified as the Broadway reconstruction project.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein expires one year from date of this resolution.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: RPERMIT.DUM(11-12)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER ZARBO, TO WIT:

**RESOLUTION AND
ORDER AFTER PUBLIC HEARING**

WHEREAS, the Town Board of the Town of Lancaster (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, on behalf of the Lancaster Consolidated Water Districts 1,2,3,4,5,7,8 and all Extensions thereto, in the Town (herein called "District"), has requested engineers duly licensed by the State of New York (referred to herein as the "Engineers"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, including for the design and construction of the pump station and related facilities and all work ancillary thereto; and at the direction of the Town, the Engineers have completed and filed with the Town Board such preliminary map, plan and report, and have estimated the aggregate cost thereof to be \$1,100,000; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on June 3, 2002 at 9 o'clock P.M. (Prevailing Time) at the Town Hall, 21 Central Avenue, Lancaster, New York; and

WHEREAS, copies of such Order, certified by the Town Clerk, were duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on this 3rd day of June, 2002 at 9 o'clock P.M. (Prevailing Time) at the Town Hall, 21 Central Avenue, Lancaster, New York, and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of the facilities; and

WHEREAS, the Town Board has given due consideration to the impact that the increase and improvement of facilities of the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk.

NOW, THEREFORE, BE IT

RESOLVED, on the basis of the information given at such hearing, it is determined that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$1,100,000; and it is hereby

FURTHER

RESOLVED, that the facilities of the District shall be so increased and improved and the Engineers heretofore retained by the Town Board shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of facilities and, with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER

RESOLVED, that the expense of said increase and improvement of facilities shall be financed by the issuance of not to exceed \$1,100,000 serial bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and it is hereby

FURTHER

RESOLVED, that the Town Clerk record a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

file:phwater district

**(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH BOND
RESOLUTION AFTER ADOPTION)**

NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 3rd day of June, 2002, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF LANCASTER, in the County of Erie, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

JOHANNA M. COLEMAN
Town Clerk

**BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW YORK,
ADOPTED JUNE 3, 2002, APPROPRIATING \$1,100,000 FOR THE
INCREASE AND IMPROVEMENT OF FACILITIES OF THE LANCASTER
CONSOLIDATED WATER DISTRICTS 1,2,3,4,5,7,8 AND ALL EXTENSIONS
THERE TO, IN SAID TOWN, AND AUTHORIZING THE ISSUANCE OF
\$1,100,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION**

Object or purpose: design and construction of a pump station and related facilities and all work ancillary thereto

Period of probable usefulness: forty (40) years; however the bonds, and any bond anticipation notes issued in anticipation thereof shall mature not later than ten (10) years from the date of original issuance of the bonds or notes

Amount of obligations to be issued: \$1,100,000

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town of Lancaster, 21 Central Avenue, Lancaster, New York

Dated: June 3, 2002
Lancaster, New York

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW YORK,
ADOPTED JUNE 3, 2002, APPROPRIATING \$1,100,000 FOR THE INCREASE
AND IMPROVEMENT OF FACILITIES OF THE LANCASTER CONSOLIDATED
WATER DISTRICTS 1,2,3,4,5,7,8 AND ALL EXTENSIONS THERETO, IN SAID
TOWN, AND AUTHORIZING THE ISSUANCE OF \$1,100,000 SERIAL BONDS
OF SAID TOWN TO FINANCE SAID APPROPRIATION

Recital

WHEREAS, following preparation of a map, plan and report for the increase and improvement of facilities of the Lancaster Consolidated Water Districts 1,2,3,4,5,7,8 and all Extensions thereto (herein called "District"), in the Town of Lancaster (herein called "Town"), in the County of Erie, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

NOW, THEREFORE, BE IT

RESOLVED, BY THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$1,100,000 for the increase and improvement of facilities of the District, consisting of the design and construction of a pump station and related facilities and all work ancillary thereto all in accordance with the map, plan and report on file in the office of the Town Clerk and hereby approved. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,100,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$1,100,000 serial bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of not to exceed \$1,100,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the specific object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 1. of the Law, is forty (40) years; however the bonds, and any bond anticipation notes issued in anticipation thereof shall mature not later than ten (10) years from the date of original issuance of the bonds or notes.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes, and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing their terms, form and contents and as to the sale and issuance of the bonds herein authorized, and any other bonds heretofore or hereafter authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

BE IT FURTHER

**RESOLVED, BY THE TOWN BOARD OF THE TOWN OF LANCASTER, IN
THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:**

Section 1. The Town Clerk is hereby directed to publish the foregoing bond resolution, in full, in the "LANCASTER BEE," a newspaper published in Buffalo, New York, and having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File:rbond water district

**BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW YORK,
ADOPTED JUNE 3, 2002, APPROPRIATING \$1,100,000 FOR THE INCREASE
AND IMPROVEMENT OF FACILITIES OF THE LANCASTER
CONSOLIDATED WATER DISTRICTS 1,2,3,4,5,7,8 AND ALL EXTENSIONS
THERE TO, IN SAID TOWN, AND AUTHORIZING THE ISSUANCE OF
\$1,100,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION**

Recital

WHEREAS, following preparation of a map, plan and report for the increase and improvement of facilities of the Lancaster Consolidated Water Districts 1,2,3,4,5,7,8 and all Extensions thereto (herein called "District"), in the Town of Lancaster (herein called "Town"), in the County of Erie, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

NOW, THEREFORE, BE IT

RESOLVED, BY THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) **AS FOLLOWS**:

Section 1. The Town hereby appropriates the amount of \$1,100,000 for the increase and improvement of facilities of the District, consisting of the design and construction of a pump station and related facilities and all work ancillary thereto all in accordance with the map, plan and report on file in the office of the Town Clerk and hereby approved. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,100,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$1,100,000 serial bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of not to exceed \$1,100,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the specific object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 1. of the Law, is forty (40) years; however the bonds, and any bond anticipation notes issued in anticipation thereof shall mature not later than ten (10) years from the date of original issuance of the bonds or notes.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes, and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing their terms, form and contents and as to the sale and issuance of the bonds herein authorized, and any other bonds heretofore or hereafter authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

BE IT FURTHER

RESOLVED, BY THE TOWN BOARD OF THE TOWN OF LANCASTER,
IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk is hereby directed to publish the foregoing bond resolution, in full, in the "LANCASTER BEE," a newspaper published in Buffalo, New York, and having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

June 3, 2002

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY that I, Johanna M. Coleman, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of a Bond Resolution on the 3rd day of June 2002 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto signed my hand and affixed the Seal of said Town this 3rd day of June, 2002.

(S E A L)

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town of Lancaster has received a proposal from Munistat Services, Inc., 8420 Main Street, Williamsville, New York 14221 to assist the Town in planning its capital financing needs, and

WHEREAS, the Town Board has reviewed the proposal from Munistat Service, Inc. and deems it in the public interest to utilize the services which are proposed including assistance in borrowing, using bond anticipation notes and long term serial bond financing;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute a contract with Munistat Service, Inc. to provide assistance to the Town in its financial planning and marketing services with fees to be charged for each borrowing made by the Town of Lancaster and on the further terms and conditions that are set out on the letter proposal from Munistat Service, Inc. dated May 17, 2002.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES

June 3, 2002

File: munistatservice602

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Town Engineer of the Town of Lancaster by letter dated May 29, 2002 has advised the Town Board that a new roof is needed for the Iroquois Avenue Pump Station, and

WHEREAS, requests for proposals with specifications were sent to six roofing contractors and three responded, and

WHEREAS, the Town Board, after review and discussion, deems it to be in the public interest to retain Joseph E. Neubert Roofing, Inc., 182 Wellington Avenue, Tonawanda, New York 14150 for the beforementioned roofing project in the amount of \$5,980. Joseph E. Neubert Roofing, Inc. will also replace areas of the sub-roof where there is leakage. The cost for this will be \$6.50 per square foot;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby retains Joseph E. Neubert Roofing, Inc. to provide a new roof for the Iroquois Avenue Pump Station, Lancaster, New York, in accordance with his proposal in an amount of \$5,980. and Joseph E. Neubert Roofing, Inc. will also replace areas of the sub-roof where there is leakage at a cost of \$6.50 per square foot.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: iroquoisavenuepumpstationroof602

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR. TO WIT:

WHEREAS, the Department of Transportation of the State of New York has recommended and will require a road access from State Rte. 78 - Transit Road to Freeman Road for the development of the hotel project by Robert Kunvarji north of the New York State I-90 on the east side of Transit Road, and

WHEREAS, the New York State DOT has further provided a road specification which they ask that the Town adopt for this public improvement which will cross the Kunvarji property and will be dedicated by Kunvarji to the Town, and

WHEREAS, the Town Board has reviewed the specification provided and the Town Engineer's letter and deems it in the public interest to modify the Town of Lancaster road specifications for this project to comply with the specifications promulgated by NYSDOT;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby modifies the road specifications for public improvement in the Town of Lancaster for the hotel project proposed by Robert Kunvarji located north of the I-90 on the east side of Transit Road as follows:

- 1) The road right-of-way shall be 50' wide.
- 2) The pavement section will require the following:
 - a) sub-base 12" stone
 - b) a base course of 4" binder
 - c) a binder course of 2" asphalt
 - d) a top course of 1 1/2" asphalt
- 3) The project sponsor shall be permitted to pave parking lots to the edge of the Town right-of-way.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002
File: rspkunvarjihotel602

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ZARBO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York
and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of
local laws, and

WHEREAS, after review and consideration, the Town Board of the Town
of Lancaster deems it in the public interest to repeal in its entirety Section 50-35 of Chapter 50,
Article VII of the Zoning Code of the Town of Lancaster, entitled "Fences and walls.", and to
enact in place thereof a Local Law of the Year 2002, entitled, "Fences and walls.", designated as
Section 50-35 of Chapter 50, Article VII of said Code, which reads as follows:

**ZONING
CHAPTER 50 - ARTICLE VII
REGULATIONS APPLYING TO ALL DISTRICTS
FENCES AND WALLS
Proposed
LOCAL LAW NO. 4
2002**

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY REPEALING, IN ITS ENTIRETY, SECTION 50-35 OF CHAPTER 50, ARTICLE VII OF THE CODE OF THE TOWN OF LANCASTER, ENTITLED "FENCES AND WALLS", AND REPLACING IT WITH A LOCAL LAW OF 2002 DESIGNATED AS CHAPTER 50, ARTICLE VII, SECTION 50-35 ENTITLED "FENCES AND WALLS" OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED by the Town Board of the Town of Lancaster, as follows:

Section 1.

The Zoning Code of the Town of Lancaster is hereby amended by repealing Section 50-35 of Chapter 50, Article VII of the Zoning Code, entitled "Fences and Walls." and enacting in place thereof by Local Law No. 4 of the year 2002 the following:

§50-35. Fences and walls.

- A.** No fence or wall in a residential district shall exceed six (6) feet in height, except where it abuts a nonresidential district, in which event it shall not exceed eight (8) feet in height; provided, however, that a fabric fence not exceeding twelve (12) feet in height enclosing a tennis court shall be permitted. For the purpose of screening, the Planning Board may require fences, vegetation or other appropriate material in nonresidential districts where they abut residential districts to assure privacy for adjacent land uses with visual, noise and air quality factors considered.
- 2.** In no event shall fences or walls in nonresidential districts abutting residential districts exceed eight (8) feet in height.
- 3.** Within nonindustrial districts, no fence or wall, other than a necessary retaining wall, over three (3) feet in height, shall extend into the front yard of any lot.
- 4.** The height of all fences or walls shall be measured from the average finished grade of the lot.
- 5.** The fence posts and other supporting structures of the fence shall face the interior of the area to be fenced.

6. The Town Board reserves the right to deny or revoke a building permit for the installation of a fence where the Town Board in its discretion determines the fence as proposed to be installed would or could pose a threat to the public health, safety and welfare.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law No. 4 of the Year 2002, which local law repeals in its entirety Section 50-35 of Article VII of Chapter 50, of the Code of the Town of Lancaster, entitled "Fences and walls.", and enacts in place thereof a new Section 50-35 of the said Code, entitled "Fences and walls." will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 o'clock P.M., Local Time, on the 17th day of June, 2002 and that Notice of the Time and Place of such Hearing shall be published on June 6, 2002, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law No. 4 for the Year 2002, for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: rlocallawzoningchange fence

**LEGAL NOTICE
PUBLIC HEARING
PROPOSED LOCAL LAW NO. 4
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted June 3, 2002, the said Town Board will hold a Public Hearing on the 17th day of June, 2002 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law No.4 of the Year 2002, which Local Law repeals in its entirety, Section 50-35 of Chapter 50, Article VII of the Zoning Code of the Town of Lancaster, entitled "Fences and walls.", and enacts in place thereof a new Section 50-35 of Chapter 50, Article VII, entitled: "Fences and walls." of the Code of the said Town, briefly described as follows:

"A Local Law which repeals Section 50-35, Chapter 50 of Article VII of the Zoning Code of the Town of Lancaster, and enacts in place thereof a new Section 50-35, "Fences and walls."

"This Local Law will allow the Town Board the right to deny or revoke the installation of a fence upon application for a building permit where the Town Board in its discretion determines the fence as proposed to be installed would or could pose a threat to the public health, safety and welfare."

A complete copy of this proposed Local Law No. 4 of the Year 2002, entitled: "Fences and walls." and further designated as Section 50-35 of Article VII of Chapter 50- Zoning of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**
Town Clerk

June 3, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION. SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 14498 to Claim No. 14679 Inclusive

Total amount hereby authorized to be paid: \$608,185.29

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ZARBO, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

PREVIOUSLY TABLED PERMIT:

Pmt #	Applicant Name	Address	Structure
8711	Voicestream Wireless	0 Penora St	Er. Com. Tower

NEW PERMITS:

9212	Colley's Pool Sales	154 Pleasant View Dr	Er. Fence
9213	Colley's Pool Sales	154 Pleasant View Dr	Er. Pool-In Gmd
9214	MacDonald, B	29 Southwest Pky	Er. Garage (V/L)
9215	DMU Fence	76 Laverack Ave	Er. Fence (V/L)
9216	Oneida Concrete Prod.	6 Fieldstone Ln	Er. Fence
9217	Oneida Concrete Prod.	104 Newberry Ln	Er. Fence
9218	Sun Enterprises	5 Westbury Ln	Er. Shed
9219	Grand Jude Inc	5191 Broadway	Inst. Tank (V/L)
9220	Ryan Homes	8 Parkedge Dr	Er. Dwlg.-Sin.
9221	Nigel Enterprises	22 Parkedge Dr	Er. Dwlg.-Sin.
9222	Wright, Henry	305 Enchanted Forest	Er. Pool-Abv Gmd
9223	Kmidowski, Andrew	6421 Genesee St	Er. Res. Add.
9224	Lovejoy Builders Inc	22 Ann Marie Dr	Er. Dwlg.-Sin.
9225	Lovejoy Builders Inc	19 Ann Marie Dr	Er. Dwlg.-Sin.
9226	James Kron	464 Pleasant View Dr	Er. Shed
9227	Jim's Electric	6461 Transit Rd	Er. Storage Bldg.
9228	Majestic Pools Inc	178 Nathan's Trl	Er. Pool-In Gmd
9229	Hussar, Anthony	178 Nathan's Trl	Er. Fence
9230	Majestic Pools Inc	61 Newberry Ln	Er. Pool-In Gmd
9231	Majestic Pools Inc	90 Impula Pky	Er. Pool-In Gmd
9232	Hydock, Julie	184 Stony Rd	Er. Res. Add.
9233	Town of Lancaster	0 Broezel Ave	Er. Shelter
9234	Donato Developers	218 Nathan's Trl	Er. Dwlg.-Sin.
9235	Donato Developers	48 Quail Run Ln	Er. Dwlg.-Sin.
9236	Stanley, Kevin	4900 William St	Er. Pool-Abv Gmd
9237	Benzel, Robert	28 Lombardy St	Er. Res. Add. (V/L)
9238	Superior Decks	23 Bentley Cir	Er. Deck
9239	Wittlinger, Stephen	16 Edward St	Er. Res. Alt.

9240	Mays, Clyde Jr	555 Erie St	Er. Comm. Add.	
9241	Duro-Shed Inc	232 Nathan's Trl	Er. Shed	
9242	Buffalo Pools	55 Gale Dr	Er. Pool-Abv Grnd	
9243	Brant, Kristin	5 Trails End	Er. Res. Add.	
9244	Eckert, Keith	13 Apple Blossom Blvd	Er. Pool-Abv Grnd	
9245	Nail Design	4779 Transit Rd	Er. Sign-Temp	
9246	Gallo, Dominic	198 Nathan's Trl	Er. Shed	
9247	Armor Fence Co	6427 Genesee St	Er. Fence	
9248	Premier Self Storage	3953 Walden Ave	Er. Sign	
9249	Sun Enterprises	1890 Como Park Blvd	Er. Shed	(V/L)
9250	Gallo, Angelo	197 Central Ave	Miscellaneous	(V/L)
9251	Schmitt, William	74 Steinfeldt Rd	Er. Dwlg.-Sin.	
9252	Aldinger, Naomi	390 Ransom Rd	Er. Shelter	
9253	O'Brien, Michael	43 Michael Anthony Ln	Er. Fence	
9254	Breckenridge, David	226 Hall Rd	Er. Shed	
9255	Bison Fence Inc	5011 William St	Er. Fence	
9256	Heverly, Jeffrey	2 Jenny Ln	Er. Fence	
9257	A & P Construction	34 Burwell Ave	Er. Res. Add.	(V/L)
9258	All Craft Inc	8 Ronald Dr	Er. Deck	
9259	City Fence Inc	163 Pleasant View Dr	Er. Fence	
9260	Premier Fence Co	24 Stone Hedge Dr	Er. Fence	
9261	Ryan Homes	18 Parkedge Dr	Er. Dwlg.-Sin.	
9262	Korn, Paul	27 Sussex Ln	Er. Shed	
9263	Iroquois Fence Co	5 Trentwood Trl	Er. Fence	
9264	R. Schumacher Remdl.	303 Enchanted Forest	Er. Res. Add.	
9265	Holiday Lumber Co	660 Hall Rd	Er. Garage	
9266	Foley, Joanne	38 Quail Run Ln	Er. Dwlg.-Sin.	
9267	Donofrio, Charles	10 Schiffler Ct	Er. Shed	
9268	Black Hat Chimney	206 Brunck Rd	Er. Fireplace	
9269	Binner, Richard	4 Old Mill Run	Er. Res. Add.	
9270	Alliance Construction	3950 Walden Ave	Er. Townhouse	
9271	Alliance Construction	3952 Walden Ave	Er. Townhouse	
9272	Alliance Construction	3954 Walden Ave	Er. Townhouse	
9273	Lunge, David	4958 William St	Er. Shed	
9274	Wienckowski Builders	28 Thorn Apple Ln	Er. Res. Add.	(V/L)
9275	Pollack, John	735 Aurora St	Er. Pool-Abv Grnd	
9276	Pollack, John	735 Aurora St	Er. Deck	
9277	Pollack, John	735 Aurora St	Er. Gazebo	
9278	Chodkowski, Keith	49 Village View	Er. Pool-Abv Grnd	
9279	Weber, Michael	49 Bentley Cir	Er. Shed	
9280	Iroquois Fence	150 Laverack Ave	Er. Fence	(V/L)
9281	Leisurewood Design	6 Rue Madeleine Way	Er. Deck	
9283	McCubbin, Kathy	127 Norris Ave	Er. Pool-Abv Grnd	(V/L)
9284	Forbes Homes	7 Nottingham Ln	Er. Dwlg.-Sin.	

9285	Ratajczak, Lynne	1126 Ransom Rd	Er. Deck	
9286	Decks Etc	54 Trentwood Trl N	Er. Deck	
9287	Young, Gregory	5538 Broadway	Er. Shed	(V/L)
9288	Putman, Robert	137 Peppermint Rd	Er. Res. Add.	
9289	Patterson, George	47 Second Ave	Er. Fence	(V/L)
9290	Marrano/Marc Equity	15 Trentwood Trl	Er. Dwlg.-Sin.	
9291	Marrano/Marc Equity	29 Trentwood Trl N	Er. Dwlg.-Sin.	
9292	Marrano/Marc Equity	46 Rehm Rd	Er. Dwlg.-Sin.	
9293	C Mays Tree Experts	5631 Broadway	Dem. Garage	(V/L)
9294	Iroquois Fence Co	91 Cambria St	Er. Fence	(V/L)
9295	Pitzonka, Robert	183 Nathan's Trl	Er. Deck	
9296	Fischer, Raymond	47 Bentley Cir	Er. Shed	
9297	McCarthy, Kevin	84 Stony Brook Dr	Er. Deck	
9298	McCarthy, Kevin	84 Stony Brook Dr	Er. Shed	
9299	Duro-Shed Inc	135 Nathan's Trl	Er. Shed	
9300	McCusker, John	135 Nathan's Trl	Er. Fence	
9301	Hejmanowski, Mark	1 Summerfield Dr	Er. Deck	
9302	Colley's Pool Sales	1 Summerfield Dr	Er. Pool-Abv Grnd	
9303	Carcaci, Philip	211 Nuthan's Trl	Er. Shed	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 2002

File:Rbldg2

COMMUNICATIONS & REPORTS:

597. NYS DEC to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding Wal-
Ccm Realty Corp., 4039 Walden Avenue. DISPOSITION = Planning Committee
598. Thomas J. Przybyla to Town Attorney -
Letter of resignation as Deputy Town Attorney and Deputy Town Prosecutor.
DISPOSITION = Received and Filed
599. Roy Schneggenburger to Town Attorney -
Letter of appeal for denial of access to records of April 27, 2002. DISPOSITION =
Received and Filed
600. Safety Director to Town Board -
Minutes of Safety Steering Committee meeting of May 15, 2002. DISPOSITION =
Received and Filed
601. Highway Superintendent to Planning Board Chairman -
Notice of approval from Highway Department for the site plan for Mays' Tree
Service Inc. DISPOSITION = Planning Committee
602. Chairman, L.I.D.A to Town Board -
Enclosure of copy of Lancaster Industrial Development Agency's audited financial
statements for year ended December 31, 2001. DISPOSITION = Received and Filed
603. Town of Amherst Planning Department to Supervisor -
Draft copy of Town of Amherst Bicentennial Comprehensive Plan. DISPOSITION
= Received and Filed
604. Avaco Brands to Town Board -
Advisement of renewal of liquor license for Don Pablos Restaurant. DISPOSITION
= Town Attorney
605. Clough, Harbour & Associates LLP to Supervisor -
Letter announcing Client Appreciation Month and appreciation for continued
business. DISPOSITION = Received and Filed
606. Sandra Lee Wirth, NYS Assemblywoman to Supervisor -
Letter of appreciation for support of Assembly Bill A.9747-B. DISPOSITION =
Received and Filed
607. Computel Consultants to Supervisor -
Update of status of complaint to Public Service Commission regarding NYSEG
street light billing practices. DISPOSITION = Town Attorney
608. Korean Era Memorial Chapter No. 203, Disabled American Veterans to Supervisor -
Request to declare June 10 - 15, 2002 as "Forget - Me - Not - Week".
DISPOSITION = Certificate Sent
609. Mayor, Village of Williamsville to TVGA Engineering -
Letter suggesting alternate site for relocation of Williamsville Toll Barrier.
DISPOSITION = Received and Filed
610. General Crew Chief to Planning Board Chairman, Planning Board Members, Council
Members Montour, Ruffino, and Stempniak -
Notice of approval from the Town Forestry Department for the site plan of SBA
Telecommunication Tower at Cemetery Road. DISPOSITION = Planning
Committee
611. Town Engineer to Town Board -
Request awarding of bid to Joseph E. Neubert Roofing, Inc. for roof replacement of
Iroquois Avenue Pump Station. DISPOSITION = Resolution 6/3/2002

612. Bowmansville Volunteer Fire Association to Town Board -
Request for change in membership roster. DISPOSITION = Resolution 6/3/2002
613. Town Clerk to Zoning Board Members, Building Inspector, Town Attorney -
Transmittal of legal notice of a Public Hearing to be held on June 13, 2002 regarding
the variance petitions of N.E. corner of Transit Road and William Street, 235
Nathan's Trail, and 178 Nathan's Trail. DISPOSITION = Received and Filed
614. General Crew Chief to Supervisor -
Request resolution for appointment of seasonal employees. DISPOSITION =
Resolution 6/3/2002
615. Legislative Task Force on Demographic Research and Reapportionment to Town Clerk -
Notice of submission of proposed Senate and Assembly redistricting plans.
DISPOSITION = Received and Filed
616. Donald Gallo, Consulting Engineer to Town Board -
Recommendation for approval of Change Order No. 1 Electrical Construction for
Senior Center expansion & Youth Bureau renovations. DISPOSITION =
Resolution 6/3/2002
617. Donald Gallo, Consulting Engineer to Town Board -
Recommendation for approval of Change Order No. 1 Mechanical Construction for
Senior Center expansion & Youth Bureau renovations. DISPOSITION = Resolution
6/3/2002
618. Donald Gallo, Consulting Engineer to Town Board -
Recommendation for approval of Change Order No. 2 General Construction for
Senior Center expansion & Youth Bureau renovations. DISPOSITION = Resolution
6/3/2002
619. Donald Gallo, Consulting Engineer to Town Board -
Recommendation for approval of Change Order No. 2 Plumbing Construction for
Senior Center expansion & Youth Bureau renovations. DISPOSITION = Resolution
6/3/2002
620. NYS Board of Real Property Services to Supervisor -
Transmittal of Certificate of Final Special Franchise Assessments for assessment roll
filed in 2002. DISPOSITION = Received and Filed
621. Adelphia to Supervisor -
Notice of FCC 394 filing regarding merger of AT&T Corporation and Comcast
Corporation. DISPOSITION = Town Attorney
622. Federal Emergency Management Agency to Town Board -
Notification of new regulations regarding filled areas in Special Flood Hazard Areas.
DISPOSITION = Received and Filed
623. NYS Office of Parks, Recreation and Historic Preservation to Supervisor -
Notice of denial of application for Westwood Park Expansion project.
DISPOSITION = Received and Filed
624. NYS Office of Parks, Recreation and Historic Preservation to Supervisor -
Notice of denial of application for Keysa Park Rehabilitation project.
DISPOSITION = Received and Filed
625. County Executive to Supervisor -
Invitation to appoint a member to Steering Committee to guide development of a
Framework For Regional Growth in Erie and Niagara Counties. DISPOSITION =
Received and Filed
626. Town Attorney to Town Clerk -
Request to prepare a resolution accepting dedication of storm area detention ponds
for Bowen Road Square, Belmont Creek, and Woodgate Subdivisions.
DISPOSITION = Resolution 6/3/2002

627. Town Engineer to Town Attorney -

Recommendation for acceptance of storm water detention ponds for Woodgate, Bowen Road Square, and Belmont Creek Subdivisions. DISPOSITION = Resolution 6/3/2002

628. Town Engineer & Building Inspector to Town Board -

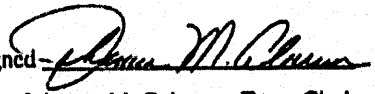
Recommendation to approve dumping permit for Charles Roberts at 6143 Broadway. DISPOSITION = Resolution 6/3/2002

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPIAK, SECONDED BY COUNCIL MEMBER RUFFINO, on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 9:22 P.M.

Signed 
Johanna M. Coleman, Town Clerk